



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

*Promoting the wise use of land
Helping build great communities*

PLANNING COMMISSION

MEETING DATE February 11, 2016	CONTACT/PHONE Holly Phipps / 781-1162 / hhipps@co.slo.ca.us	APPLICANT Greg Bone & Audrey Burnam	FILE NO. DRC2013-00096
SUBJECT Hearing to consider a request by Greg Bone for a Conditional Use Permit to authorize a public tasting area (94 sf for olive oil tasting), a 998 sf restaurant (limited food service facility), and a 30 sf area for retail sales (permanent farm stand), to be located within an existing 3,445 sf permitted olive oil processing building. The applicant is also requesting to allow the processing of olives not grown on-site, the processing of olives into table olives for sale onsite, and the construction of a 45 sf detached restroom. The applicant is requesting modifications to ordinance standards to allow adjustments to the required setbacks, increase the limits of restaurant/limited food service facility use area, and to operate a restaurant/limited food service facility beyond tasting room hours. The project may result in approximately 5,340 sf of site disturbance for access improvements. The applicant is not proposing any Temporary events. The project is located within the Agriculture land use category and is located on the south side of Kiler Canyon Road, approximately 1.35 miles west of the City of Paso Robles (at 1111 Kiler Canyon Road), in the North County planning area, Salinas River sub area.			
RECOMMENDED ACTION 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Conditional Use Permit DRC2013-00096 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on January 6, 2016 for this project. Mitigation measures are proposed to address air quality, biological resources, hazards/hazardous material, public services/utilities, transportation/circulation, wastewater, and water/hydrology and are included as conditions of approval.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 018-271-021 & 022	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: None applicable			
EXISTING USES: A 3,445 sf building permitted to process olives			
SURROUNDING LAND USE CATEGORIES AND USES: North: Agriculture & Rural Residential / wine grapes, single-family residence East: Agriculture / agricultural uses, single-family residence South: Agriculture / vacant West: Agriculture / agricultural uses, wine grapes, single-family residence			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Ag Commissioner, CAL FIRE, Air Pollution Control District, Regional Water Quality Control Board, Building Department and City of Paso Robles	
TOPOGRAPHY: Steeply sloping to gently rolling	VEGETATION: Olive orchard (2,700 trees), shrubs, grasses, oak wood land
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CAL FIRE	ACCEPTANCE DATE: December 14, 2014

PROJECT HISTORY:

The existing olive oil processing facility was previously open to the public for olive oil tastings, restaurant food service and temporary events without an approved land use permit nor the appropriate building permits to allow public access. The food preparation was conducted in a permitted commercial kitchen that was permitted to service the “employee breakroom”. This commercial kitchen did receive a “restaurant” permit from the County Health Department; however, the restaurant/limited food service facility use was not a permitted or approved land use on the site. The applicant was also in violation for processing olives not grown on-site. A complaint was filed with County Code Enforcement July 9, 2013. The applicant was allowed to continue to process olives grown off-site while the conditional use permit was in process. In addition, all food service was prohibited and any olive oil public tasting was restricted to an outside patio since the structure was not permitted for a Public Assembly use and the pending authorization for this conditional use permit was not approved.

PROJECT SUMMARY:

A request to authorize a 998 sf restaurant (limited food service facility), a 94 sf area for olive oil tasting and 30 sf for retail sales area (farm stand) located within the existing 3,445 sf permitted olive oil processing building. The applicant is also requesting to process olives not grown on-site, the processing of olives into table olives (35 cases) for sale on-site, and the construction of a 45 sf detached restroom. Temporary events are not requested.

The subject property is located on Kiler Canyon Road with direct access taken from Old Kiler Canyon Road, a gravel road that is an abandoned county road and serves as an easement for the subject site and adjacent properties. The existing width of the easement and on-site access road varies between 17 and 20 feet and will require widening and dust control measures.

Approval of this application will resolve the existing code enforcement violations. The applicant states the proposed project will showcase their olive oil through the food served at the restaurant/limited food service facility and that the food-pairing and tastings occur interchangeably. The proposed food service facility is not a stand-alone restaurant.

The project includes ordinance modifications for the size and hours of operations for the proposed restaurant/limited food service facility and modifications to the required setbacks (400 feet) to property line and to the nearest residence.

In addition, to several complaints received regarding the unpermitted uses on-site, there have been neighborhood concerns raised regarding the proposed project. Concerns raised include whether commercial activities including restaurant/food service uses are appropriate in the rural areas and specifically in the agricultural land use category. Increased commercial traffic, constricted access, noise impacts and non-compliance with building code issues were also concerns raised.

The on-site agricultural production is the olive milling which has a short milling season. Therefore, it is staff opinion that the tasting room/restaurant will become the visitor serving use. Staff is in full support of the agricultural processing of olives grown off and or on-site but Staff is not in support of the tasting room/restaurant/limited food facility as proposed which is larger than allowed by the ordinance with extended hours. Staff would however support a very limited tasting room/restaurant/limited food service facility with limited size and hours of operation.

PROJECT DETAILS:

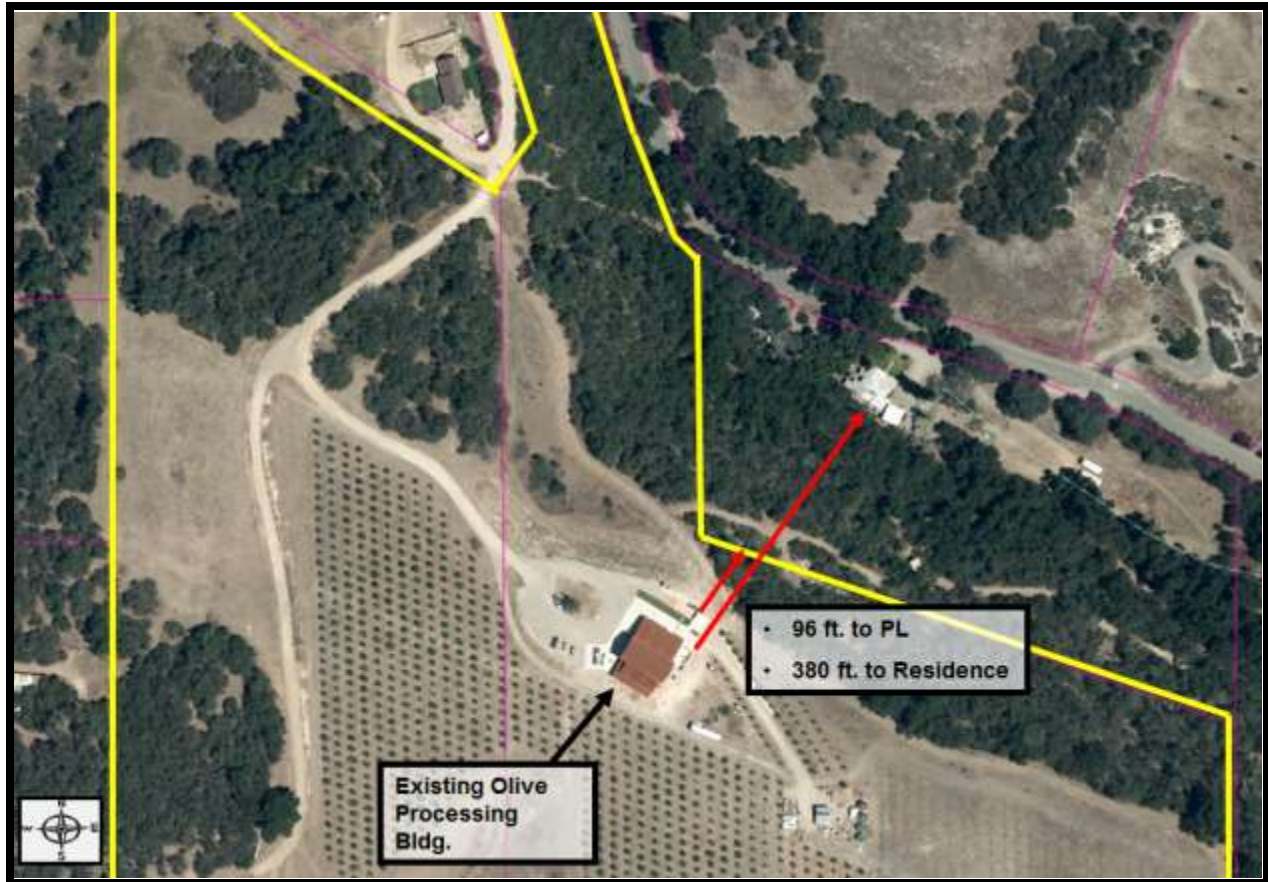
Conditional Use Permit (CUP) approval is required for a limited food service facility (a restaurant) because the subject property is located within the Agriculture land use category. CUP approval is also required for exceptions to Use Standards of the Land Use Ordinance and to allow for modifications or waivers to the special use standards set forth in Article 4 of Title 22. A Minor Use Permit is required for the processing of off-site olives, this higher level CUP can be used to allow all of the items in the applicant's proposed project description.

Ordinance Modifications Requested:

The applicant is requesting several modifications as follows:

- a. modification to the ordinance standard (Section 22.30.570) limiting a restaurant/limited food service facility
 - to 800 sf maximum – requesting an increase to 998 sf;
- b. modification of ordinance standards (Section 22.30.020.D)
 - to allow the restaurant/limited food service facility to operate beyond the tasting room hours, to 6 pm four days a week and to 9 pm two days per week;
- c. modification of the ordinance standard (Section 22.30.070.D.4.c.1 Olive Oil Production) that requires all structures and outdoor use areas to be located no closer than 200 feet from each property line;
 - to allow a 96 ft setback from outdoor use area to the property line (north west) and that requires all structures to be located no closer than 500 feet to any existing residence to allow a 380 ft setback to an existing residence (to the north);
- d. modification of the ordinance standard (Section 22.30.075 Ag Retail Sales) that requires all structures to be located no closer than 400 feet to any existing residence
 - to allow a 380 ft setback to an existing residence (to the north). Refer to 1.1 Aerial of Setbacks below.

1.1 - Aerial of Setbacks



Site Access:

The subject property is located on Kiler Canyon Road with direct access taken from Old Kiler Canyon Road. Kiler Canyon Road is a paved county maintained road. Old Kiler Canyon Road is a gravel road that is an abandoned county road and serves as an easement for the subject site and adjacent properties. The on-site access is gravel and serves the existing olive oil processing building.

The access to the existing olive oil processing building is approximately 1,380 feet which includes the on-site access (630 feet) and Old Kiler Canyon Road (750 feet). The existing width varies between 17 feet at the narrowest point to a maximum of 20 feet. The average width is approximately 19 feet.

Land Use Ordinance Section 22.54.020 requires 20 feet wide road widths for Commercial Two-way traffic with fire lanes provided by the Uniform Fire Code. CAL FIRE requires 24 feet for a commercial access road, however, a reduced width may be approved through an adjustment. Public Works requires the access road to be constructed in accordance with County Public Improvement Standards. In accordance with Resolution 2008-15, proposed land development which attracts general public traffic on a road that is privately maintained, must have a road maintenance agreement acceptable to all residents served by those roads.

The existing access including Old Kiler Canyon and the on-site access will require widening. The applicant has submitted plans for the proposed widening (Twin Cites Surveying Inc. July 9, 2015). The plan includes a combination of road widening in combination with a traffic management plan. The proposed plan has been reviewed by both CAL FIRE and Public Works. The applicant has avoided proposed widening in areas of steep slopes or heavily covered in oak trees. It is anticipated that 3 to 5 oak trees may be impacted or removed as a result of the required improvements. Total site disturbance is anticipated to be 5,340 sq ft.

Project Timeline:

- November 11, 2005 - A Minor Use Permit (DRC2005-00084) was applied for to construct an approximate 3,000 sf olive processing facility and for grading without a permit (COD2005-00364);
 - The project went to a Planning Department Hearing on November 3, 2006;
 - At the time, no olive ordinance existed in the Land Use Ordinance;
 - The project was originally processed using the winery ordinance because of similarities;
 - At the hearing, it was brought to the Hearing Officer's attention that the winery ordinance was not applicable to olive processing;
 - Staff recommended that the applicant withdraw their permit and apply for a building permit;
 - August 21, 2009 -The applicant revised their project description to process olives only grown on-site. A land use permit was not required however, a building permit was required. Minor Use Permit DRC2005-00084 was withdrawn.
- April 14, 2009 – A building permit (PMT2008-01864) was submitted to allow the construction of a 3,445 sf olive processing facility for olives grown on-site olives. The permit was finaled August 18, 2011.
- December 18, 2012 – The Board of Supervisors adopted the olive oil ordinance which requires a MUP for the processing of off-site olives;
- July 9, 2013 - A Code Enforcement case was opened due to applicant operating an unpermitted restaurant, a public tasting room, and processing olives not grown on-site (CUP approval required); compliance is due January 30, 2016. The applicant was allowed to continue to process olives grown off-site while the CUP was in process. All food service was prohibited and any olive oil public tasting was restricted to an outside patio until the CUP was approved and these uses authorized.
- May 9, 2014 - The Current project, Conditional Use Permit DRC2013-00096 was submitted.

PROJECT ANALYSIS:

Ordinance Compliance:

Olive Processing (Section 22.30.070)			
<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Permit Requirement	Minor Use Permit required to process off-site olives	Processing of off-site olives proposed; CUP required for restaurant/limited food facility in AG	Yes
Minimum Site Area	5 acres	57.08 acres	Yes

Olive Processing Continued (Section 22.30.070)			
<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Setbacks from property lines (PL):	200 feet from property lines	Existing olive processing facility outdoor area is ~ 96 feet from property line; and existing olive processing building is located ~ 127 ft from property line. Existing building location was authorized by a building permit prior to the olive ordinance requiring these setbacks.	Modification requested
Setbacks from residences outside of the ownership of the applicant	No closer than 500 feet to existing residence outside of applicant ownership	Existing olive processing building is 380 feet from an existing residence.	Modification requested
Lighting	Lighting fixtures are required to be shielded	No new lighting proposed	Yes, as conditioned
Design Exterior	Exterior design styles to be agricultural or residential in nature.	Existing building is agriculture in design	Yes
Tasting room and retail sales	Shall be incidental to primary use; on-site tasting rooms subject to Section 22.30.075 (See Chart below titled Agricultural Retail Sales – Farm Stands)	30 sf of sales area, 94 sf tasting room area - total of 124 sf that is incidental to primary use; primary use on site is the processing of olives in the existing 3,445 sf bldg. where 2,629 sf is devoted to olive processing / bottling / storage.	Yes
Liquid waste disposal	Winery wastewater - standards set through Regional Water Quality Control Board Domestic wastewater - leach lines shall be located at least 100 feet from any private well	Currently the applicant does not have a discharge permit Applicant will be required to obtain all necessary permits	Yes, as conditioned

Restaurants in Non-Commercial Areas (Section 22.30.570)			
<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Permit Requirement	Conditional Use Permit required because the proposed restaurant/limited food service facility is located in the Agriculture Land Use Category	Application is Conditional Use Permit	Yes
Restaurant	<ul style="list-style-type: none"> Restaurant/limited food service facility allowed in Agriculture with existing conforming visitor-serving use (e.g. olive processing facility, winery) and is incidental to primary operation Minimum site area = 1 acre 	<ul style="list-style-type: none"> Restaurant is incidental to conforming 3,445 sf olive processing facility Parcel is 57.08 acres 	<ul style="list-style-type: none"> Yes Yes
Size of Accessory Restaurant/limited food service facility	Restaurants/limited food service facility shall not exceed 800 sf. includes : kitchen, indoor and outdoor dining area	<ul style="list-style-type: none"> Indoor dining area is 318 sf Kitchen is 330 sf Outdoor patio/dining area is 350 sf Total proposed: 988 sf 	Modification requested
Access	In Ag, restaurant/limited food service facility shall be located within 5 miles from urban or village reserve line or within one mile of an arterial or collector	Located 1.35 miles west of the City of Paso Robles	Yes
Hours of Operation	Hours of operation shall be restricted to the hours the olive processing facility is open to the public. LUO does not set tasting room hours. Typical industry hours are from 10 am to 5 pm.	<ul style="list-style-type: none"> Applicant proposed: olive tasting room hours from: 11 am to 6 pm; Seven days a week Four days a week from 11 am to 6 pm Two days a week from 6 pm to 9 pm 	<ul style="list-style-type: none"> Yes Modification requested Modification requested

Agricultural Retail Sales / Permanent Farm Stand (Section 22.30.075)			
<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Permit Requirement	Site plan required; CUP required if modifications requested to Land Use Ordinance standards	Application is Conditional Use Permit	Yes
Agricultural Retail Sales	Sales area shall be limited to a 500 sf; unless authorized by Minor Use Permit	30 sf of sales area, 94 sf tasting room for a total of 124 sf	Yes
Agricultural Retail Sales / Setbacks	<ul style="list-style-type: none"> • 50 feet from front setback • 30 feet from side setback • 30 feet from rear setback • no closer than 400 feet to any residence outside of the ownership of the applicant; unless authorized by Minor Use Permit 	<ul style="list-style-type: none"> • Greater than 50 feet • Greater than 30 feet • Greater than 30 feet • 380 feet 	<ul style="list-style-type: none"> • Yes • Yes • Yes • Modification requested
Location	Access driveway shall be located within 1 mile of an arterial or collector if in a Residential land use category	NA, project is located within the Agricultural land use category	Yes

Food and Beverage Products Table 2-2			
<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Permit Required	Allowed use in Agriculture Land Use Category; Limited to processing of raw materials grown on-site or adjacent parcels	The table olives will be grown on-site.	Yes

Parking Requirements			
<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Olive Processing Parking (Section 22.30.070)	None required if ample space exists for employees and visitors	10 spaces plus 1 ADA space exists	Yes
Ag Retail Sales/Farm Stands & Olive Oil Tasting (Section 22.30.075)	<ul style="list-style-type: none"> 1/250 sf of display area $30/250 = 0.12$ 1/250 sf of tasting area $94/250 = 0.37$ Total Spaces Required: 0.49 (1)	10 spaces plus 1 ADA space exists	Yes
Restaurant (Section 22.18)	<ul style="list-style-type: none"> 1/360 sf employee space No employee space 1/100 sf of kitchen space $330/100 = 3.3$ 1/60 sf of customer space $470/60 = 7.8$ Total Required: 11.1 (11)	10 spaces plus 1 ADA space exists	No, project conditioned to provide 1 additional space
ADA Parking (Section 22.18)	<ul style="list-style-type: none"> 1 per 40 spaces 1 ADA space exists 	1 ADA space exists	Yes
Total Parking Spaces Required for the Whole Project	Total Spaces for All Uses: 11.59 (12)	Site Plans shows 10 spaces plus 1 ADA	No, project conditioned to require 1 additional space

Ordinance Modifications:

Section 22.30.020.D.1 of the Land Use Ordinance allows for modifications or waivers to the special use standards set forth in Article 4 of Title 22 through Conditional Use Permit (CUP) approval.

Requested Modifications:

The project includes the following modifications to limitations on use and site design standards:

Restaurants (limited food service facility) in Non Commercial Categories (Section 22.30.570).

The applicant is requesting a 998 sf restaurant/food service facility that would be located within the existing olive processing building that would include the following breakdown:

- Use the existing 330 sf employee break room as the restaurant commercial kitchen;
- Use a portion of the existing 441 sf conference room for a 318 sf indoor dining area;
- Use of the 350 sf existing patio area for an outdoor dining area.

The applicant is requesting a modification of the ordinance standard limiting a restaurant/limited food service facility to 800 sf to allow 998 sf.

A restaurant/limited food service facility may be allowed in the Agriculture land use category provided there is an existing conforming visitor-serving use (e.g. winery, riding stable, health resort) and the food facility is incidental to the primary visitor-serving operation. The limited food service facility may not exceed 800 sf including the kitchen, dining area and any outside dining area. The hours of operation of the restaurant/limited food service facility shall be restricted to the hours the tasting facility is open to the public.

Restaurant/Limited Food Service Facility Hours of Operation

The applicant is requesting a modification of ordinance standards to allow the restaurant/limited food service facility to operate beyond the tasting room hours, to 6 pm four days a week and to 9 pm two days per week.

Olive Oil Processing Facility - Setbacks

The applicant is requesting a modification to the ordinance standard (Section 22.30.070.D.4.c.1 Olive Oil Production / Setbacks) to allow a 96 ft setback to property line (200 ft required) and to allow 380 ft to an existing residence (500 sf required). Section 22.30.020.D.1.

Agricultural Retail Sales - Setbacks

The applicant is requesting a modification of the ordinance standard (Section 22.30.075.B.4 Ag Retail Sales / Setbacks) that requires all structures to be located no closer than 400 feet to any existing residence to allow a 380 ft setback to an existing residence (to the north).

Staff Discussion:

The existing olive processing facility was previously open to the public for olive oil tastings and restaurant food service without an approved land use permit. The applicant was also in violation for processing olives not grown on-site. A complaint was filed with County Code Enforcement. The applicant was allowed to continue to process olives grown off-site and any olive oil public tasting was restricted to an outside patio until the CUP authorized these uses. All food service was prohibited. Approval of this application will resolve code enforcement violations.

The project includes modifications to the ordinance standards for the size and operating hours of the proposed restaurant/limited food service facility and setback modification discussed above. Staff is in support of the 3 setback modifications. The existing processing building is located with a 96 ft setback to one property line and 380 ft to an existing residence. The proposed restaurant/limited food service facility, tasting room and ag retail sales area are located within and on the outdoor patio immediately adjacent to the existing structure. The structure was legally established with approved setbacks as an olive oil processing facility prior to the adoption of the olive oil ordinance.

The applicant is proposing to offer food-pairing that would showcase their olive oil in food made at their restaurant/limited food service facility. The applicant states that the food-pairing service and tastings occur interchangeable in the same area of the building and the proposed food service facility is not a stand-alone restaurant business.

The project is located with the Agriculture land use category and visitor serving uses must be clearly secondary and incidental to the olive oil production on-site. Olive oil processing has a seasonal production. The season is 3 months long but milling does not occur every day because various olives ripen at different times. There are early ripening varieties that are milled in October/November and late ripening varieties that are milled in December/January. During the season, it is expected there will be approximately 60 days of actual milling.

The applicant has stated, the proposed restaurant/limited food service facility is needed to showcase their oil and the proposed food service facility is not a stand-alone restaurant business. On site agricultural production of olive milling is very limited due to the short milling season. Therefore, it is staff opinion that the tasting room/restaurant/limited food service facility will become the visitor serving use on site. Staff is in full support of the agricultural processing of olives but is not in support of a restaurant/limited food service facility use which is larger than allowed by the ordinance with extended hours. Staff would however support a very limited tasting room/restaurant/limited food service facility with limited size and hours of operation. We would support 3 days per week and limited operating hours from 11 a.m. to 5 p.m.

PLANNING AREA STANDARDS: None applicable.

COMMUNITY CONCERNS:

A great deal of concern has been shown in the community regarding the proposed project. Comment letters and emails are included in Attachment 6. The major concerns include the following:

- Agriculture Category – Are commercial uses/restaurant uses appropriate?
- Traffic – Kiler Canyon Road, Unpaved Access;
- Dust/Air Quality;
- Building Code;
- Noise;
- Ongoing unauthorized activities (e.g. public tasting, events, restaurant).

Staff Comments:

Agriculture Land Use Category. The property is zoned Agriculture. The primary use on-site will be and currently is 2,700 olive trees and the processing of olives from the orchard. The applicant stated that the olive processing facility has an estimated 15 ton production yield for this milling season for the 2,700 olive trees planted on-site (currently not all trees have reached maturity). The applicant is also proposing to process 540 tons of olives grown off-site. The expected milling of off-site olives would be 9 tons a day for approximately 60 days per year.

A restaurant, permanent farm stand for retail sales, olive oil tasting and processing of olives grown off-site are all allowable uses in the Agriculture land use category, subject to use standards discussed above.

A limited food service facility/restaurant is allowed in the Agriculture land use category provided there is an existing conforming visitor-serving use (e.g. winery, riding stable, health resort) and the food facility is incidental to the primary visitor-serving operation. The limited food service facility may not exceed 800 sf including outside dining area without a waiver modification.

AG Policy AGP6 that states: Allow limited visitor serving and incidental retail use and facilities in agricultural areas that area beneficial to the agricultural industry and farm operations and are compatible with long-term agricultural use of the land. Such uses shall be clearly incidental and secondary to the primary agricultural use of the site and shall comply with the performance standards in the LUO.

On site agricultural production of olive milling is very limited due to the short milling season. Therefore, it is staff opinion that the tasting room/restaurant/limited food service facility will become the visitor serving use on site. Staff is in full support of the agricultural processing of olives but is not in support of a restaurant/limited food service facility use which is larger than allowed by the ordinance with extended hours. Staff would however support a very limited

tasting room/restaurant/limited food service facility with limited size and hours of operation. We would support 3 days per week and limited operating hours from 11 a.m. to 5 p.m.

Traffic The project is accessed via Kiler Canyon road (a paved county maintained road) to a gravel road (previously known as Old Kiler Canyon Road - a road right-of-way). Old Kiler Canyon Road is not a County maintained road. From Old Kiler Canyon Road to a gate located at the entrance to the property is a private driveway that is approximately 630 feet long. The length of the entire access road/driveway is approximately 1,380 feet. The existing width of the Old Kiler Canyon Road varies between 17 feet at the narrowest point to a maximum of 20 feet.

The County Public Works Department reviewed the proposed project. Public Works also reviewed the project for consistency with the County of San Luis Bikeways Plan. Kiler Canyon has not been identified for a Class I II or III Bikeway. A Road Safety Analysis was not required because there was no reported collisions within ½ mile either direction of the entrance and no known roadway deficiencies.

The County has established the acceptable Level of Service (LOS) on roads (e.g. Kiler Canyon) for this rural area as "C" or better. Average Daily Traffic (ADT) in 2014 was less than 600 therefore the assumed LOS is "A". The proposed project is estimated to generate approximately 10 peak hour trips resulting in no change to LOS "A".

The project has been reviewed by CAL FIRE for code requirements relating to fire protection. The existing road does not meet the commercial access road requirements in accordance with California Fire Code or San Luis Obispo Public Works standards and is conditioned to be widened.

Dust/Air Quality. The project is accessed by an approximate 0.28 mile unpaved access road. The Air Pollution Control District (APCD) determined that 20 daily round vehicle trips on this access road without mitigation would result in the project exceeding the APCD's 25 lb per day threshold of significance for particulate matter (PM10 emissions). The APCD recommends mitigations to reduce to a level of insignificance.

- a. For the life of the project, pave and maintain the access road; or,
- b. During peak season and for the life of the project, maintain the unpaved access road with dust suppressant such that fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60 minute period or prompt nuisance violations. Also, to improve the dust suppressant's long-term efficiency, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less. Peak season for this project is defined as follows: October to January.

Building Code: As previously mentioned, the existing 3,445 sf olive processing building was permitted with a building permit (PMT2008-01864) that was finalized in August 18, 2011. The building was built to meet an occupancy group F1 requirements which allows for factory processing of food (olives) and an employee break room. It was not permitted for a restaurant, commercial kitchen or for a tasting room use. The proposed project will change the use from an occupancy group F1 to a group A2 to allow public occupancy of the building. The building may need to be provided with fire sprinklers and an alarm system under a separate permit. At the time of the building permit application, the applicant will have to provide plans and calculations showing the design of the system or justification for a sprinkler exemption.

Noise: The primary use on-site is processing of olives grown on-site (2,700 olives trees located on-site) into olive oil within the existing 3,445 sf olive processing facility. Exceptions to noise standards (Section 22/10.120) states:

Noise sources associated with agricultural land uses as listed in Section 22.06.030 (Allowable Land Uses and Permit Requirements), including but not limited to wind machines used for direct climate control, water well pumps and pest-repelling devices, provided that the pest-repelling devices are used in accordance with accepted standards and practices.

Noise created from the processing of olives is exempt under the land use ordinance. No outdoor amplified music or temporary events are proposed.

Non-permitted Activities: The permitted olive oil processing facility (PMT2008-01864) allowed for a 3,445 sf building, covered porch (571 sf), employee break room (330 sf), processing of on-site olives and minor grading. A tasting room, commercial kitchen, and the operation of a restaurant were not allowed under this permit and were not previously approved. This request for Conditional Use Permit is to authorize the proposed project and bring the existing facility into compliance. A Conditional Use Permit is a discretionary permit which requires the decision-making body to exercise judgment prior to its approval.

COMMUNITY ADVISORY GROUP COMMENTS:

None applicable.

AGENCY REVIEW:

Public Works: Based on substantial evidence, including the existing and projected traffic estimates, the resulting acceptable level of service, no significant traffic or safety impacts have been identified. Parking shall be provided in compliance with LUO Section 22.18 and all driveways shall be constructed in accordance with County Public Improvement Standards.

The applicant shall comply with standards identified by Public Works to ensure safe access to the project site.

Environmental Health: The Environmental Health Division has reviewed the project (Leslie Terry, May 23, 2015) and stated that the applicant is currently compliant, meaning the applicant has obtained a Food Facility Permit from the Health Department for a restaurant without approval from the County Planning Department.

A Food Facility Permit is defined as an operation that stores, prepares packages, serves, vends, or otherwise provides food for human consumption at the retail level. This is the same level of permit required for a restaurant. These permits require a commercial standard preparation facility which involves greater standards for preparation areas, wash basins, sinks, etc. These facilities also require a potable water supply provided by an approved water system.

Ag Commissioner: The Agriculture Department's review finds the proposed Conditional Use Permit to process off-site olives and, establish a limited food service facility, would have less than significant impacts to agricultural resources or operations (Lynda Auchinachie, June 5, 2014).

CAL FIRE: The road requires increased widening and correction of compaction deficiencies (Laurie Donnelly, January 16, 2015). The road may need to be widened by 3 feet and in other places the 20 feet is adequate. Per a conversation with CAL FIRE a road width of 20 feet is adequate as shown on the plans because it meets the intent of the Fire Safety plan.

Air Pollution Control District (APCD): The project is accessed by an approximate 0.28 mile unpaved access road. APCD determined that 20 daily round vehicle trips on this access road without mitigation would result in the project exceeding the APCD's 25 lb per day threshold of significance for particulate matter (PM10 emissions). The APCD recommends mitigations to reduce to a level of insignificance.

Regional Water Quality Control Board (RWQCB): The applicant will be required to file a Notice of Intent with RWQCB and obtain either a permit wavier or a discharge permit.

Building Department: The building may need to be provided with fire sprinklers and an alarm system under a separate permit. At the time of the permit application, the applicant will have to provide plans and calculations showing the design of the system or justification for a sprinkler exemption.

LEGAL LOT STATUS:

The two lots were legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Holly Phipps and reviewed by Bill Robeson Deputy Director-Permitting.